IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 271 OF 2007
IN
CRIMINAL REVISION APPLICATION NO. 162 OF 2006

Shri Suresh Janardhan Gosavi. ... Applicant.

V/s.

The State of Maharashtra
and others. ... Respondents.

V.S.Talkute for the applicant.

U.V.Nikam, A.P.P. for respondent No.1- State.

Umesh Mankapure for respondent Nos.2 to 5.

CORAM: V.C.DAGA, J.

DATED: 15th October 2007.

P.C.:

. Heard learned counsel for the rival parties.

2. By this application, the applicant is seeking transfer of Criminal Appeal No.11/2005 pending before learned Sessions Judge, Pandharpur to the file of this Court and to hear the same along with the present revision application on the ground that the revision application has been admitted by this Court.

3. At this juncture, it will be relevant to note that the application filed by the State for leave to

appeal against the impugned order of acquittal, being Criminal Application No.4791/2005, has already been dismissed by this Court vide order dated 24th April, 2006. This order has not been challenged by anybody. Consequently, the said order has become final. The present revision application is directed against the very same impugned order. It is a settled principle of law that there cannot be two inconsistent orders in one lis/proceeding and/or trial. In that view of the matter, possibility of the applicant succeeding before this Court in the present revision application itself is debatable.

4. Apart from above consideration, if the appeal is transferred to this Court, then the applicant would be loosing his revisional remedy in the event adverse order is suffered by him.

5. In the above view of the matter, I do not think this Court would be justified in transferring the appeal to this Court. The application is, therefore, rejected.

JUDGE